

Surface Transportation Board, DOT

Pt. 1150

interfering with the incumbent's overall ability to provide service; and

(iv) A certification of service of the petition, by hand or by overnight delivery, on the incumbent carrier, the proposed alternative carrier, and the Federal Railroad Administration.

(2) *Reply*. The incumbent carrier must file a reply to a petition under this paragraph within thirty (30) days.

(3) *Rebuttal*. The party requesting relief may file rebuttal no more than fifteen (15) days later.

(c)(1) *Petition to terminate relief*. Should the Board prescribe alternative rail service under paragraph (a) of this section, the incumbent carrier may subsequently file a petition to terminate that relief. Such a petition shall contain a full explanation, together with all supporting evidence, to demonstrate that the carrier is providing, or is prepared to provide, adequate service to affected shippers. Carriers are admonished not to file such a petition prematurely.

(2) *Reply*. Parties must file replies to petitions to terminate filed under this subsection within five (5) business days.

(3) *Rebuttal*. The incumbent carrier may file any rebuttal no more than three (3) business days later.

(d) *Service*. All pleadings under this part shall be served by hand or by overnight delivery on the Board, other parties, and the Federal Railroad Administration.

[63 FR 71401, Dec. 28, 1998]

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AUTHORITY: 5 U.S.C. 553 and 559, 49 U.S.C. 721(a), 10502, 10901 and 10902.

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